

# News from the FPPC



California Fair Political Practices Commission  
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## FPPC Enforcement Decisions: April 11, 2011

The following are enforcement decisions approved by the Fair Political Practices Commission at its regular monthly meeting held in Sacramento on Monday, April 11, 2011. Decisions are listed by category and include a brief summary of each case and the total amount of any administrative fine or fines in each case.

Additional information on each of the enforcement cases below can be found in the April agenda on the FPPC website at [www.fppc.ca.gov](http://www.fppc.ca.gov). FPPC agendas are distributed and posted on the agency website 10 days prior to each monthly meeting.

The web version of the agenda includes links to the stipulations agreed to by the commission and by the individuals and organizations subject to the fines, or the default decisions proposed to the commission. Exhibits in support of the stipulations and proposed default decisions are also available on the website. If you are unable to access the FPPC website, or need further assistance, please call the FPPC communications office at (916) 322-7761.

### Campaign Reporting Violations

**Tina Baca Del Rio and Friends of Tina Baca Del Rio.** Tina Baca Del Rio was a member of the Commerce City Council from 2005 until November 4, 2008. She was re-elected to the Commerce City Council on March 3, 2009. Friends of Tina Baca Del Rio is her candidate controlled campaign committee. The respondents violated the Political Reform Act by: 1) failing to timely file three semi-annual campaign statements, for the reporting periods from July 1, 2007 through June 30, 2008 and from October 19, 2008 through December 31, 2008, 2009; 2) failing to timely file two pre-election campaign statements, for the reporting periods of July 1, 2008 through October 18, 2008; and, 3) failing to timely file two pre-election campaign statements, for the reporting periods from January 1, 2009 through February 14, 2009. **\$26,000 fine.**

**Abel Maldonado, Abel Maldonado for Senate, Christopher J. Raymer, and Chris Steinbruner.** Abel Maldonado was elected to the California Senate on November 2, 2004. Mr. Maldonado ran for re-election to the state Senate, won in the June 3, 2008, primary election and was re-elected to the state Senate in the November 4, 2008, general election. Abel Maldonado for Senate was his candidate-controlled committee for his 2008 state Senate campaign. During the period covering May 20, 2005, through February 28, 2008, Christopher J. Raymer was the treasurer for the committee. During the period covering February 29, 2008, through July 30, 2009, Chris Steinbruner was the treasurer for the committee. The respondents violated the requirements of the Political Reform Act by: (1) failing to file late

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contribution reports; (2) failing to file online campaign reports disclosing contributions received of \$1,000 or more during the 90 day period before an election; and, (3) failing to file online campaign reports disclosing contributions received of \$5,000 or more outside the 90 day period before an election. **\$28,000 fine.**

**Redwood City Chamber of Commerce**, a Redwood City based business association, failed to file a supplemental independent expenditure report, for the reporting period October 1 through October 18, 2008. **\$3,000 fine.**

**Arlie Ricasa, Arlie Ricasa 2008, and Kinde Durkee.** In 2008, Arlie Ricasa was a candidate for California State Assembly, 78th District. Arlie Ricasa 2008 was her candidate-controlled committee and Kinde Durkee was the committee's treasurer. They failed to disclose an \$18,000 loan received from Durkee & Associates, LLC on the semi-annual campaign statement filed for the reporting period May 18, 2008 through June 30, 2008. **\$2,000 fine.**

**Allen L. Barker; Allen L. Barker Candidate 28th Assembly District 2010; and Allen L. Barker, Treasurer.** Allen L. Barker, Allen L. Barker Candidate 28th Assembly District 2010, his candidate-controlled committee, and Allen L. Barker as the committee's treasurer, failed to timely file a pre-election report. **\$200 fine.**

**Larry A. Bedard**, Marin Health Care District Director, failed to file the short-form annual campaign statement in calendar year 2010. **\$200 fine.**

**The Campaign for Consumer Rights**, a California-based non-profit 501(c)(4) corporation, failed to timely file three semi-annual campaign statements, for the reporting periods ending December 31, 2007, December 31, 2009 and June 30, 2010, reporting contributions received from Consumer Watchdog (a California-based nonprofit 501(c)(3) corporation of which the Campaign for Consumer Rights is the advocacy and campaign affiliate). **\$600 fine.**

**Bret Daniels; Citizens in Support of Bret Daniels; and Bret Daniels, Treasurer.** Bret Daniels, Citrus Heights City Council Candidate, Citizens in Support of Bret Daniels, his candidate-controlled committee, and Bret Daniels as treasurer, failed to timely file a semi-annual campaign report, for the reporting period ending December 31, 2008. **\$200 fine.**

**Committee to Elect Bob Eppe, Robert Eppe, Treasurer.** Cerritos Community College District candidate and board member Robert "Bob" Eppe, and his candidate-controlled committee, Committee to Elect Bob Eppe, failed to timely file two semiannual campaign statements, for the reporting periods ending December 31, 2009 and June 30, 2010. **\$400 fine.**

**David Grant, South Orange County Community College District Trustee, and Committee to Elect David Grant Trustee 2010.** David Grant, South Orange County Community College District Trustee, Committee to Elect David Grant Trustee 2010, his candidate-controlled committee, and David Grant as treasurer, failed to timely disclose expenditures on a pre-election statement for the reporting period ending October 16, 2010. **\$200 fine.**

**Friends of Crystal Strait and Eddie Kirby.** Friends of Crystal Strait and the committee's treasurer, Eddie Kirby, failed to timely file a semi-annual report, for the reporting period ending December 31, 2009. **\$200 fine.**

**United Democrats of Vallejo and John R. Lewis.** United Democrats of Vallejo and the committee's treasurer, John R. Lewis, failed to file a semiannual statement, for the reporting period ending December 31, 2009. **\$200 fine.**

### **Conflicts of Interest Violation**

California law states that, absent an exception, a public official may not make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. The following official participated in a governmental decision in which he had a financial interest:

**Dan K. Waters**, Customer Services Supervisor for the Community Development Department for the City of Sacramento, participated in a governmental decision, the granting of an application for Amended Entertainment Permit Conditions, in which he had a material financial interest. **\$2,500 fine.**

### **Lobbying Violations**

California law requires individuals and entities that attempt to influence the actions of certain state-level elected officials and public officials to register as lobbyists once certain criteria is met. Once registered, lobbyists and lobbying firms are required to file reports to provide the public with information regarding who they are attempting to influence; what decision(s) they are attempting to influence; who is employing them; and how much they are receiving to influence. The following failed to register and failed to file the required forms:

**Deloitte Consulting, LLP**, a California lobbyist employer, failed to timely file eight lobbyist employer reports from January 1, 2008 through December 31, 2009, which failed to report total payments made for lobbying services in the amount of \$122,500. **\$8,000 fine.**

**Santa Ynez Band of Chumash Indians**, a California lobbyist employer, failed to timely file fifteen lobbyist employer reports from January 1, 2007 through September 30, 2010, which failed to report total payments made for lobbying services in the amount of \$312,000. **\$15,000 fine.**

**Soboba Band of Luiseno Indians**, a California lobbyist employer, failed to timely file fourteen lobbyist employer reports, from January 1, 2007 through March 31, 2010, which failed to report total payments made for lobbying services in the amount of \$200,000. **\$14,000 fine.**

**Tule River Indian Tribe**, a California lobbyist employer, failed to timely file seven lobbyist employer reports, from January 1, 2007 through September 30, 2007 and from October 1, 2009 through September 30, 2010, which failed to report total payments made for lobbying services in the amount of \$58,500. **\$7,000 fine.**

**Downey Regional Medical Center**, a registered California lobbyist employer, failed to timely file a quarterly lobbyist employer report for the period of July 1, 2010 through September 30, 2010, which failed to report total payments of \$5,000. **\$200 fine.**

### **Mass Mailing Violations**

California law requires a candidate or committee that sends over 200 substantially similar pieces of mail in a calendar month to include specific information about the candidate or committee. The following did not include the required information:

**Jerome Horton, Democrat Jerome Horton for Board of Equalization, Citizens to Elect Honest Officials, and Kinde Durkee.** Democrat Jerome Horton for Board of Equalization was Jerome Horton's candidate controlled committee (formed for his 2006 candidacy). In approximately March 2009, Citizens to Elect Honest Officials became Jerome Horton's candidate-controlled committee (primarily formed to support Alena Cindy Giardina for the Inglewood Unified School Board in 2009). Kinde Durkee was the treasurer of both committees. Jerome Horton, Democrat Jerome Horton for Board of Equalization, and

Kinde Durkee failed to refund contributions to general election contributors and Jerome Horton, Citizens to Elect Honest Officials, and Kinde Durkee failed to properly identify the sender of three mass mailings. **\$13,000 fine.**

**Protect Burlingame and Kevin Osborne.** Just prior to the November 3, 2009, election, Protect Burlingame, a general purpose committee, and its treasurer Kevin Osborne paid for and caused to be sent two mass mailers supporting Measures H and I, which failed to identify the sender of the mailers. **\$2,500 fine.**

### **Money Laundering Violation**

California law requires those giving or receiving monetary contributions of \$100 or more to affect the outcome of political contests to provide certain information identifying the contributor, their employer and the amount of the contribution. Providing the public with the sources of contributions is a fundamental component of the philosophy of the Political Reform Act. The following concealed the true source of campaign contributions:

**James Larry Minor.** James Larry Minor made ten campaign contributions, each in the amount of \$3,900 to the Jeff Stone for State Senate Campaign 2009 committee in a name other than his own, and made one contribution in 2006, in the amount of \$3,300 to The Committee to Elect Brenda Salas campaign committee in a name other than his own. In addition, he made a contribution in excess of the campaign contribution limits, a total contribution of \$39,000, to the Jeff Stone for State Senate Campaign 2009 committee. **\$60,000 fine.**

### **Statements of Economic Interests Violations**

California law requires elected officials, certain board members and governmental employees, and consultants employed by governmental entities to complete and file Statements of Economic Interests (SEIs or Form 700s). SEIs serve a dual purpose: they make a filer aware of personal economic interests relative to a governmental decision, and they are an important disclosure document for the public and media.

The following individuals failed to file their Statement of Economic Interests forms on time:

**Jim Campbell**, a commissioner for the Rice Commission, failed to file an Assuming Office, a 2008 Annual, and 2009 Annual Statements of Economic Interests. **\$600 fine.**

**Kevin Cheng**, a member of the Rate Fairness Board for the City and County of San Francisco, failed to timely file a 2009 annual Statement of Economic Interests. **\$200 fine.**

**Leo Chow**, Arts Commission member for the City and County of San Francisco, failed to timely file a 2009 annual Statement of Economic Interests. **\$200 fine.**

**Leslie Lohse**, a member of the Native American Heritage Commission, failed to timely file an annual Statement of Economic Interests for the January 1, 2009, through December 31, 2009, period. **\$600 fine.**

**Luther Pugh**, a member of the Santa Clara County Domestic Violence Council, failed to timely file his 2009 annual Statement of Economic Interests. **\$200 fine.**

**Katie Townsend-Merino**, Vice-President of the Foothill-DeAnza Community College District, failed to timely file her 2009 annual Statement of Economic Interests. **\$200 fine.**

The following individuals failed to include all economic interests that were required to be disclosed in a Statement of Economic Interests:

**Antonio Villaraigosa**, Mayor of the City of Los Angeles, failed to report 21 gifts, each in the amount of fifty dollars or more on his 2006, 2007, 2008 and 2009 annual Statements of Economic Interests, respectively, which were due by April 1 of each subsequent year. **FPPC Fine: \$21,000 (Total Proposed Penalty by Los Angeles City Ethics Commission: \$20,849, for a Combined Proposed Penalty: \$41,849.**

**Matter of Sean MacNeil**, former Chief of Staff to California State Senator Pat Wiggins, failed to disclose on his 2007 Annual Statement of Economic Interests \$2,000 in income he received from Friends of Pat Wiggins for State Senate 2010 campaign in March 2007 on his 2007 annual Statement of Economic Interests. **\$4,000 fine.**

**Cheryl Miles**, a consultant for the Fi\$Cal Change Management Team within the California Department of Finance, failed to report economic interests on her 2010 assuming office Statement of Economic Interests. **\$400 fine.**

#### **Consideration of Administrative Law Judge Proposed Decision**

**Raymond Haynes Jr., Raymond Horspool Jr., and Haynes for Assembly 2004.** Raymond Haynes was a member of the California State Assembly from 2002 through 2006. Haynes for Assembly 2004 was Raymond Haynes' candidate-controlled campaign committee and Raymond Horspool was the committee's treasurer. Following an administrative hearing in Sacramento, Administrative Law Judge Joann Eshelman issued a proposed decision finding that four violations occurred, and imposing an administrative penalty of \$10,000. The Commission voted to impose a lower penalty. **\$7,000 fine.**

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